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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,445	05/23/2001	Martin Vogel	P20684	6733

7590 06/24/2005

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EXAMINER	
SHAPIRO, LEONID	
ART UNIT	PAPER NUMBER
2677	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/807,445	VOGEL ET AL.	
	Examiner	Art Unit	
	Leonid Shapiro	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-25 and 27-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-25 and 27-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the newly introduced limitation of claims 11 and 25: " operate such that that screen **displays** different types of configuration in at least one of the fields of the screen" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The newly introduced limitation of claims 11 and 25: " operate such that that screen **displays** different types of configuration in at least one of the fields of the screen" is not disclosed in the description. It also contradicted to the description, which is stated: "If the operation elements are activated, however, the configuration remains unchanged and only the values of the parameters in the selected parameters are changed" (See Page 9, Lines 7-10).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The independent claims 1, Lines 11-12 and 25, Lines 8-9 recite the newly introduced limitation: " operate such that that screen **displays** different types of configuration in at least one of the fields of the screen". It is not clear, how two different configurations could be displayed?

It is also contradicted to the description, which is stated: "If the operation elements are activated, however, the configuration remains unchanged and only the values of the parameters in the selected parameters are changed" (See Page 9, Lines 7-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 11-16,19-24, rejected under 35 U.S.C. 103(a) as being unpatentable over Eastty et al. (US patent No. 6,359,632 B1) in view of Bergman et al. (US Patent No. 5,859,631), Silfvast et al. (US Patent No. 6,438,241 B1) and Embree (US Patent No. 5,818,941).

As to claim 11, as best understood by examiner, Eastty et al. teaches a device for setting values for processing of audio signals, with a signal processor (See Fig. 1, item 50, in description See Col. 2, Lines 15-18); the at least two elements structured and arranged, (See Fig. 6A, items GAIN, DELAY, in description See from Col. 3, Line 52 to Col. 4, Line 23), each operating element disposed adjacent one of the displayed values within each field (See Fig. 8A, item 420, Col. 4, Lines 59-63); a screen connected with the signal processor for displaying the values, screen comprising at least two fields, (See Figs. 6A-6B, items GAIN, PAN, in description See from Col. 3,

Line 52 to Col. 4, Line 23); a computer coupled to at least two operating elements via connections in front of the screen, the computer being structured and arranged to acquire the adjusted values and to drive the screen to display the acquired value on at the fields of the screen (See Fig. 1, 6A, items 20, 30, GAIN, in description See Col. 2, Lines 19-26 and Col. 3, Lines 1-7); computer being coupled to the signal processor for processing of audio signals and structured and arranged to transmit control commands to signal processor for processing the audio signals according to the of manually adjusted values established by at least two operating elements (See Fig. 1, items 20, 50, in description See Col. 2, Lines 19-26).

Eastty et al. does not show a carrier for accommodating at least two operating elements, the carrier being located relative to a viewing direction of the screen, in the front of the screen.

Bergman et al. teaches a carrier for at least two elements being located, relative to a viewing direction of the screen, in the front of screen (See Fig. 1, items 4,8,10, in description See from Col. 2, Line 65 to Col. 3, Line31).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement a carrier as shown by Bergman et al. in the Eastty et al. apparatus in order to provide front panel having additional mechanical user interface that is simple to alter (See Col. 1, Lines 39-41 in the Bergman et al. reference).

Eastty et al. and Bergman do not show the simultaneous adjustment of the values displayed in the at least two fields on the screen.

Silfvast et al. teaches the simultaneous adjustment of at least two values displayed on the screen (in the reference two regions 13 and 14 of Figure 1 used by two hands of the operator, sitting close to the middle region 11) (See Fig. 1, items 10-11, 13-14, from Col. 5, Line 55 to Col. 6, Lines 15), and the at least two operating elements are movable from a first of the at least two fields to a second of at least two fields on the screen (in the reference is equivalent to reassigning items 62, in Fig. 2 by the control processor (See Fig. 7, items 500, 501) as shown in Figs. 8A, 10A) (See Figs 2, 8A, 10A, items 62, AUX, PAN, Col. 6, Lines 31-36).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate teaching of Silfvast et al. into Eastty et al. and Bergman et al. system in order to provide an improved technology for use at large scale recording and mixing installations (See Col. 5, Lines 10-13 in Silfvast et al. reference).

Silfvast et al. into Eastty et al. and Bergman et al. do not disclose wherein the computer is operable to assign the different types of configurations of the at least one of the fields of the screen.

Embree teaches wherein the computer is operable to assign the different types of configurations of the at least one of the fields of the screen (See Fig. 3, items 144, 146, 148-149, Col. 6, Lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate teaching of Embree into Silfvast et al., Eastty et al. and Bergman et al. system in order to produce a digital surround sound (See Col. 3, Lines 66-67 in Embree reference).

As to claim 12, Eastty et al. teaches set values the of manually adjusted values depend upon position of the at least two elements (See Fig. 6A, items GAIN, DELAY, in description See from Col. 3, Line 52 to Col. 4, Line 23).

As to claim 13, Bergman et al. teaches carrier includes transparent regions assigned to the at least two operating elements (See Fig. 1, items 4, in description See from Col. 2, Line 64 to Co. 3, Line 1).

As to claim 14, Eastty et al. teaches the computer determines a configuration for the processing of the audio signals in the signal processor (See Fig. 1, items 20, 50, in description See Col. 2, Lines 19-26).

As to claim 15, Bergman et al. teaches a device for mounting electronic components is positioned between the carrier and the screen (See fig. 1, items 4,6,8,10).

As to claim 16, Bergman et al. teaches a device for mounting electronic components is positioned between carrier and screen (See fig. 1, items 4,6,8,10, in description See from Col. 2, Line 64 to Co. 3, Line 31).

As to claim 19, Eastty et al. teaches computer is structured and arranged to determine a configuration of the device by detecting positions of the at least two operating elements (See Fig. 1, 6B, items 20, 50, in description See Col. 3, Lines 1-6 and from Col. 3, Line 52 to Col. 4, Line 23).

As to claim 20, Eastty et al. teaches additional elements which are different (See Fig. 1, 6B, items 20, 50, in description See Col. 3, Lines 1-6 and from Col. 3, Line 52 to Col. 4, Line 23).

As to claims 21-22, 24, Eastty et al. teaches computer is structured and arranged to acquire states of at least two operating elements via signals in at least two fields of screen and display these states on the screen (See Fig. 1, 6B, items 20, 50, in description See Col. 3, Lines 1-6 and from Col. 3, Line 52 to Col. 4, Line 23).

As to claim 23, Eastty et al. teaches at least one element which is an operating elements structured and arranged for configuring an audio mixer (See Fig. 1, in description See Col. 1, Lines 15-18).

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eastty et al., Bergman et al., Silfvast et al. and Embree as aforementioned in claim 11 in view of Silfvast '610 (US Patent No. 5,959,610).

Eastty et al., Bergman et al., Silfvast et al. and Embree do not show at least one shaft encoder.

Silfvast '610 teaches a shaft encoder in computer-mirrored panel input device (See Figs. 3, 5A, items 25,27,29, in description See from Col. 2, Line 64 to Col. 3, Line 10 and Col. 5, Lines 23-24).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement a shaft encoder as shown Silfvast '610 in the Eastty et al., Bergman et al., Silfvast et al. and Embree apparatus in order to provide front panel having additional mechanical user interface that is simple to alter.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eastty et al., Bergman et al. and Silfvast et al., Embree as aforementioned in claim 11 in view of Jaeger (US Patent No. 5,786,811).

Eastty et al., Bergman et al. and Silfvast et al., Embree do not show at least one linearly adjustable transmitter.

Jaeger teaches a linearly adjustable transmitter (See Figs. 36-38, items 246-249, in description See from Col. 21, Line 60 to Col. 23, Line 26).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement a linearly adjustable transmitter as shown Jaeger in the Eastty et al., Bergman et al. and Silfvast et al., Embree apparatus in order to provide front panel having additional mechanical user interface that is simple to alter (See Col. 1, Lines 39-41 in the Bergman et al. reference).

7. Claims 25, 27-30, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eastty et al. in view of LeBrat et al. (US Patent No. 5,339,166) and Silfast et al. and Embree.

As to claim 25, as best understood by examiner, Eastty et al. teaches an audio signal processing apparatus comprising:

an operating surface (See Fig. 1, items 10, 30, in description See Col. 2, Lines 15-27) with the at least two operating elements structured and arranged to set values related to at least one of a configuration for the processing audio signals and parameters (GAIN, DELAY in the Eastty et al. reference) for the processing of the audio

signals (See Figs. 1,6A, items 20,50,GAIN, DELAY, in description See Col. 2, Lines 15-26 and from Col. 3, Line 52 to Col. 4, Line 23);

at least one screen comprising at least two fields structured and arranged to display set values of at least two operating elements (See Figs. 6A-6B, items GAIN, PAN, in description See from Col. 3, Line 52 to Col. 4, Line 23); each operating element disposed adjacent one of the displayed values within each field (See Fig. 8A, item 420, Col. 4, Lines 59-63); a computer coupled to the at least two operating elements and to the at least one screen, structured and arranged to acquire the set values and transmit set values to at least one screen for display (See Fig. 1, 6A, items 20, 30, GAIN, in description See Col. 2, Lines 19-26 and Col. 3, Lines 1-7); a signal processor coupled to the computer, wherein the computer transmits the set values to the signal processor to adjust the processing of the audio signals by the signal processor (See Fig. 1, items 20, 50, in description See Col. 2, Lines 19-26).

Eastty et al. does not show algorithm library coupled to computer and signal processor.

LeBrat et al. teaches the algorithm library connected to the computer (See Fig. 7, steps 1001-1016, in description See Col. 22, Lines 44-57).

It would have been obvious to one of ordinary skill in the art at the time of invention to add the algorithm library as shown by LeBrat et al. in Eastty et al. apparatus in order to provide variety of extensions to the existing functions (See Col. 1, Lines 8-11 in the LeBrat et al. reference).

Eastty et al. and LeBrat et al. do not show wherein the at least two operating elements are movable from a first of the at least two fields to a second of at least two fields on the screen and the at least two operating elements are capable of adjusting the values displayed in the first of the at least two fields **only** when positioned adjacent to the first of the at least two fields, and capable of adjusting the second of the at least fields **only** when positioned adjacent to the second of the at least two fields.

Silfvast et al. teaches the at least two operating elements are movable from a first of the at least two fields to a second of at least two fields on the screen (in the reference is equivalent to reassigning items 62, in Fig. 2 by the control processor (See Fig. 7, items 500, 501) as shown in Figs. 8A, 10A) (See Figs 2, 8A, 10A, items 62, AUX, PAN, Col. 6, Lines 31-36) and the at least two operating elements are capable of adjusting the values displayed in the first of the at least two fields **only** when positioned adjacent to the first of the at least two fields, and capable of adjusting the second of the at least fields **only** when positioned adjacent to the second of the at least two fields (See Fig. 2, items 58, 64, Col. 6, Lines 16-44).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate teaching of Silfvast et al. into Eastty et al. and LeBrat et al. system in order to provide an improved technology for use at large scale recording and mixing installations (See See Col. 5, Lines 10-13 in Silfvast et al. reference).

Silfvast et al. into Eastty et al. and LeBrat et al. do not disclose wherein the computer is operable to assign the different types of configurations of the at least one of the fields of the screen.

Embree teaches wherein the computer is operable to assign the different types of configurations of the at least one of the fields of the screen (See Fig. 3, items 144, 146, 148-149, Col. 6, Lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate teaching of Embree into Silfvast et al., Eastty et al. and LeBrat et al. system in order to produce a digital surround sound (See Col. 3, Lines 66-67 in Embree reference).

As to claims 27-28, Eastty et al. teaches one of the operating elements is structured and arranged to define a configuration for the processing of the audio signals and adjust a value of at least one selected parameter without changing the configuration (See Figs. 1, 6A, items 20, 50, in description See Col. 2, Lines 19-26 and from Col. 3, Line 52 to Col. 4, Line 24).

As to claim 29-30, Eastty et al. teaches computer is structured and arranged to acquire states of at least two elements via signals in at least two fields of screen and display these states on screen (See Fig. 1, 6B, items 20, 50, in description See Col. 3, Lines 1-6 and from Col. 3, Line 52 to Col. 4, Line 23).

As to claim 33, Embree teaches the computer is operable to drive the screen to adjust and/or change the display in accordance with the configuration (See Fig. 3, items 144, 146, 148-149, Col. 6, Lines 1-10).

8. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Embree into Silfvast et al., Eastty et al. and LeBrat et al. as applied to claim 27 above, and further in view of Nixon et al. (US Patent No. 5,801,942).

As to claim 32, Embree into Silfvast et al., Eastty et al. and LeBrat et al. do not disclose a new algorithm from the algorithm library, new algorithm is selected based on the configuration and transmit the new algorithm to the signal processor.

Nixon et al. teaches a new algorithm from the algorithm library, new algorithm is selected based on the configuration (See Fig. 22, items 2240, 2342, Col. 32, Lines 10-32 and Col. 15, Lines 66-67).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate teaching of Nixon et al. into Embree, Silfvast et al., Eastty et al. and LeBrat et al. system in order to increase the range of applications.

As to claim 32, teaches the computer is operable to transmit the new algorithm to the signal processor (See Figs. 1-3, items 20, 50, Col. 2, Lines 15-54).

Response to Amendment

9. Applicant's arguments filed on 03.10.05 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
06.15.05

VIJAY SHANKAR
PRIMARY EXAMINER